IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11532 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VINODCHANDRA SOMBHAI PATEL

Versus

REGIONAL PASSPORT OFFICE

Appearance:

MR BAIJU JOSHI for Petitioners

MRS. Dawavala, for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 15/11/2000

ORAL JUDGEMENT

1. Rule. Heard Mr. Baiju Joshi learned counsel appearing for the petitioners and Mrs. Davawala, learned CGSC appearing on behalf of the respondent. Mr. Davawala waives service of rule on behalf of the respondent.

2. Present petition has been filed for correcting place of birth of petition No.2 Jayant Vinodchandra Patel. The petitioner No.2 applied for an International passport and in the form the petitioner has written his place of birth as Charama. It is submitted by learned counsel for the petitioner that, in reality the place of birth of the petitioner is "Unjha". Learned counsel also submitted that the Passport is almost ready and in the event the passport is ready for issue, a direction may be issued to the Regional Passport Officer, Ahmedabad, for correction of place of birth of the petitioner No.2 from Charama to Unjha. Learned counsel for the petitioner has drawn my attention to the birth certificate issued by the Sub Registrar of Unjha Municipality at Annexure-A. From the said birth certificate it appears the place of birth of petitioner No.2 as "Unjha". Learned counsel also drawn my attention to the affidavit filed by father of the petitioner No.2, that is petitioner No.1 in the petition. In the affidavit also it has been clarified by the father of the petitioner no.2 that, he was actually born at Unjha.

3. Mrs. Davawala, learned CGSC appearing on behalf of the respondent Regional Passport Officer, Ahmedabad submitted that, unless an order is passed by this Court it may not be possible for the Regional Passport Office to correct the place of birth of the petitioner No.2. However, learned counsel for the respondent do not dispute copy of the birth certificate submitted by the petitioner.

4. Having regard to the birth certificate issued by the Sub Registrar of Unjha Municipality and the affidavit of father of the petitioner no.2, I am of the view that a genuine error has been committed by petitioner no.2 while filing of the application form and intimating place of birth as Charama. If the passport is not yet ready, then the respondent Regional Passport Officer, Ahmedabad is directed to permit the petitioner to correct the place of birth of the petitioner as "Unjha" in the application form. In the event the passport is ready for issue, then the Regional Passport Officer is directed to carry out necessary correction in the place of birth of petitioner No.2, that from Charama to " Unjha ". The petitioner shall pay Rs.1,500-00 (Rs. One thousand five hundred only) as cost of respondent office for carrying out such correction. With the aforesaid direction the petition is allowed and disposed of. Rule discharged.

5. It is submitted by learned counsel for the

petitioner that, petitioner immediately requires the passport. The Regional Passport officer is directed to consider request of the petitioner and issue the passport at an early date. Direct service permitted.

Dt: 15-11-2000 (P.K. Sarkar, J)

/vgn